

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

**FEIN, SUCH, KAHN & SHEPARD, P.C.**

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Attorneys for Movant

PNC Bank, National Association

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PN103

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Order Filed on April 23, 2024

by Clerk

U.S. Bankruptcy Court

District of New Jersey

In Re:

WILLIAM F. HERTZKE, JR. and  
KAREN HERTZKE

Debtor(s).

Case No.: 23-10104 MBK

Chapter: 13

Hearing Date: April 10, 2024

Judge: HONORABLE MICHAEL B.  
KAPLAN, CHIEF JUDGE

Recommended Local Form: ☒ Followed ☐ Modified

ORDER RESOLVING MOTION TO VACATE STAY  
AND/OR MOTION TO DISMISS  
WITH CONDITIONS

The relief set forth on the following page(s) is hereby **ORDERED**.

DATED: April 23, 2024

A handwritten signature in black ink, reading "Michael B. Kaplan".

Honorable Michael B. Kaplan  
United States Bankruptcy Judge

Applicant:	PNC Bank, National Association
Applicant's Counsel:	Fein, Such, Kahn & Shepard, P.C.
Debtors' Counsel:	Lee Martin Perlman
Property Involved (Collateral")	10 PACIFIC TERRACE HAZLET, NJ 07730

Relief sought: ☒ Motion for relief from the automatic stay

☐ Motion to dismiss

☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☒ The Debtors are overdue for 11 months, from May 20, 2023 to March 20, 2024.

☒ The Debtors are overdue for 11 payments with \$1,203.89 in suspense:

\$1,302.50	05/20/23
\$1,400.74	06/20/23
\$1,369.80	07/20/23
\$1,312.55	08/20/23
\$1,446.77	09/20/23
\$1,390.67	10/20/23
\$1,418.34	11/20/23
\$1,389.63	12/20/23
\$1,386.76	01/20/24
\$1,440.09	02/20/24
\$1,409.88	03/20/24

☐ The Debtors are assessed for N/A late charges at N/A per month.

☐ Applicant acknowledges receipt of funds in the amount of N/A received after the motion was filed.

Total Arrearages Due \$14,063.84.

2. Debtors must cure all post-petition arrearages, as follows:

☐ Immediate payment shall be made in the amount of \$N/A. Payment shall be made no later than N/A.

☒ Beginning on April 20, 2024, regular monthly mortgage payments shall continue to be made in the amount of \$1,325.95.

☐ Beginning on N/A, additional monthly cure payments shall be made in the amount of \$N/A for N/A months.

☒ The amount of \$14,063.84 shall be capitalized in the Debtors' Chapter 13 plan. The Debtors must file a modified plan and budget within 14 days upon entry of this Order.

3. Payments to the Secured Creditor shall be made to the following address(es):

☐ Immediate payment:

☒ Regular monthly payment: PNC Bank, N.A.  
3232 Newmark Drive  
Miamisburg, OH 45342  
Attn: Payment Services

☐ Monthly cure payment:

4. In the event of Default:

☒ If the Debtors fail to make the immediate payment specified above or fail to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtors' failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and the Debtors' attorney.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☐ The Applicant is awarded attorneys fees of \$N/A, and costs of \$N/A.

The fees and costs are payable:

☐ through the Chapter 13 plan.

☐ to the Secured Creditor within \_\_\_\_\_ days.

☐ Attorneys' fees are not awarded.

In re:  
William F. Hertzke, Jr.  
Karen Hertzke  
Debtors

Case No. 23-10104-MBK  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin

Page 1 of 2

Date Rcvd: Apr 23, 2024

Form ID: pdf903

Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 25, 2024:

Recip ID	Recipient Name and Address
db/jdb	+ William F. Hertzke, Jr., Karen Hertzke, 10 Pacific Terrace, Hazlet, NJ 07730-2145

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 25, 2024

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 23, 2024 at the address(es) listed below:

Name	Email Address
Albert Russo	docs@russotrustee.com
Denise E. Carlon	on behalf of Creditor MIDFIRST BANK dcarlon@kmlawgroup.com bkgroup@kmlawgroup.com
Lee Martin Perlman	on behalf of Joint Debtor Karen Hertzke ecf@newjerseybankruptcy.com mcdoherty@ecf.courtdrive.com;hspivak@ecf.courtdrive.com
Lee Martin Perlman	on behalf of Debtor William F. Hertzke Jr. ecf@newjerseybankruptcy.com, mcdoherty@ecf.courtdrive.com;hspivak@ecf.courtdrive.com
R. A. Lebron	on behalf of Creditor PNC Bank National Association bankruptcy@fskslaw.com

District/off: 0312-3

User: admin

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Date Rcvd: Apr 23, 2024

Form ID: pdf903

Total Noticed: 1

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 6